

## INFORMATION PAPER

AFZK-JA (1-20e)

19 Nov 99

SUBJECT: Responding to Congressional Inquiries

1. Purpose. To discuss tips on drafting responses to congressional inquiries.
2. Facts. The First Amendment to the U.S. Constitution guarantees to all citizens the right to petition Congress for redress of grievances. The right of soldiers to have unrestricted contact with members of Congress is protected both by federal law, (Section 1034, Title 10, United States Code) and Army Regulation (AR) 600-20, Army Command Policy, para 5-2. One way Congress exercises its constitutional mandate to oversee the military is through inquiries to military commands concerning issues raised by constituents.
3. Congressional inquiries regarding Army issues are typically sent to the Office of the Chief of Legislative Liaison, (OCLL) which in turn determines the appropriate official to prepare a reply to the member of Congress. On the transmittal document to the responding command, OCLL indicates whether the reply to the Congressperson should be prepared as a "draft" or a "direct reply". When completed, a proposed draft reply is sent to OCLL, which in turn replies to the member of Congress. For direct replies, which are sent by the commander directly to the Congressperson, courtesy copies must be provided to OCLL. OCLL must also be provided a courtesy copy of all inquiries sent directly by Congress to the command, as well as the commander's response. Inquiries sent directly by Congress to the command which require an explanation of Army policy beyond the purview of the command must be referred to OCLL for response.
4. Special attention must be given to inquiries involving death, injury, sickness or other grave circumstances relating to Service personnel or members of their families. Under AR 1-20, Legislative Liaison, para 6-2, these cases must be given the highest priority and expedited by all means available, including overtime and weekend duty as necessary.
5. Direct response to members of Congress or to OCLL by the commander must normally be accomplished within five working days of receipt. Because this five day period includes the time for review by the SJA, the Chief of Staff and the Commander, preparation of a response to a congressional must begin immediately upon receipt. Delays are appropriate when a response

requires further investigation, not when the action has not been given appropriate attention in the time allotted.

6. Requests from members of Congress on behalf of their constituents are subject to the provisions of the Privacy Act. Requests that do not include a Privacy Act release should be coordinated through the Administrative Law Attorney, OSJA and OCLL if necessary.

7. Correspondence to Congress must be brief, clear, and courteous. Military abbreviations and technical language must be avoided. Letters must be factual, forthright, simple, and responsive.

8. The first step in preparing a response is to identify the question being asked. While a constituent may raise a wide range of concerns, often the congressional inquiry will seek the answer only to a very specific issue.

9. Once the issue is identified, you must determine the relevant rules and facts that led to the outcome. If you have questions about the applicable regulations, consult the Administrative Law Attorney, OSJA, immediately. Occasionally, there may be a disagreement with the constituent concerning the facts. You should describe the events in direct, unemotional terms and assemble any documents that corroborate the facts presented in the commander's response. If there are relevant facts which can only be provided by an office outside of this command, only OCLL may authorize the transfer of the action to another command.

10. The response should clearly and simply explain why the command took certain actions which are in question. If those actions were in error, then it is important to state so, explaining why the mistake was made, what steps have been taken to remedy the situation and what has been done to avoid repeating the mistake.

11. Per AR 1-20, para 6-1c, communications between a member of Congress and the Army are "close hold". Inquiries from members of Congress will not be furnished to any other member of Congress, business, or individual without the prior approval of the CLL.

12. Questions should be directed to the undersigned.

CPT KARVOIS/(404)464-2605

